

# **BAKER DECLARATION**

## **EXHIBIT U**

1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF WASHINGTON  
3

4 STATE OF WASHINGTON, )  
5 PLAINTIFF, ) NO. 3:17-CV-05806-RJB  
6 VS. )  
7 THE GEO GROUP, INC., )  
8 DEFENDANT. )  
9 )  
10 )  
11

12 DEPOSITION UPON ORAL EXAMINATION OF  
13 BERTHA HENDERSON  
14

15 10:08 A.M.

16 JANUARY 30, 2019

17 800 FIFTH AVENUE, SUITE 2000

18 SEATTLE, WASHINGTON  
19



24 REPORTED BY: BETSY E. DECATER, RPR, CCR 3109  
25



A P P E A R A N C E S

FOR THE PLAINTIFF:

ANDREA BRENNEKE  
LA ROND BAKER  
MARSHA CHIEN  
Assistant Attorney Generals  
Office of the Attorney General  
800 Fifth Avenue, Suite 2000  
Seattle, Washington 98104  
(206) 464-7744  
andreab3@atg.wa.gov  
larondb@atg.wa.gov  
marshac@atg.wa.gov

FOR THE DEFENDANT:

MICHAEL PUSATERI  
Greenberg Traurig  
2101 L Street, N.W.  
Suite 1000  
Washington, D.C. 20037  
(202) 533-2354  
pusaterim@gtlaw.com



1 Will you sketch your -- what positions you held  
2 if they are any different from that point to the  
3 present?

4 A. I started with GEO as the food service assistant  
5 manager, and I maintained that position for about four  
6 -- four months, and then I moved to the manager's  
7 position.

8 Q. So when did you become food service manager?

9 A. About June of 2007.

10 Q. Have you held that position consistently since  
11 then?

12 A. That's correct.

13 Q. And that's your current position?

14 A. Uh-huh, that's correct.

15 Q. Is there something like food service  
16 administrator, a different title?

17 A. Yes. It's a food service administrator.

18 Q. Okay. Is that the same as food service manager?

19 A. That's correct.

20 Q. Thank you. That clears up some confusion.

21 A. All right.

22 Q. So can you tell me who was it that hired you in  
23 the food service assistant manager position?

24 A. At that time it was the assistant warden, and I  
25 can't recall his name right now. But the warden at that



1       A. Oh, gosh. So as a food service manager, I  
2       oversee the day-to-day operations of the food service  
3       department, making sure that we maintain food  
4       temperatures, sanitation, inventory, supplying, making  
5       sure that I get good vendors to deliver our food. Gosh.  
6       Training of my staff, GEO staff, and also training of  
7       the detainees, making sure that the food is being served  
8       in a safe and timely manner. So just generally the  
9       overall operation.

10       Q. And you're the highest level manager in the food  
11       service department, right?

12       A. That's correct.

13       Q. And is anyone else responsible for those items  
14       that you're talking about in terms of sanitation,  
15       training of GEO staff, training of detainee workers in  
16       food service?

17       A. Everyone in the food service department.

18       Q. Are you the direct supervisor of everyone who  
19       works for you in the department?

20       A. Yes.

21       Q. Are you also the highest level manager  
22       responsible for ensuring compliance with legal  
23       obligations you have, policies and procedures in food  
24       services?

25       A. Yes.



1 Q. And have you had training on what those legal and  
2 policy obligations are other than the on-the-job  
3 training you had?

4 A. Our GEO standard and our ICE standards.

5 Q. So you're talking GEO standards like your  
6 policies and procedures?

7 A. That's correct.

8 Q. And your ICE standards like the PBNDs?

9 A. PBNDs, that's correct.

10 (Deposition Exhibit No. 27 was marked for  
11 identification.)

12 Q. (BY MS. BRENNEKE) Can you please identify what  
13 Exhibit 27 is?

14 A. (Witness reviewing document.)

15 Q. Okay. Can you please identify what Exhibit 27  
16 is?

17 A. This is our Policy and Procedure Manual from the  
18 GEO Corporation 4.3.1 for Food Service.

19 Q. 4.3.1 for Food Service Operations?

20 A. That's correct.

21 Q. And this one was effective on April 13th, 2015.

22 Is this the current form of the policy and  
23 procedures for the food service operations?

24 A. What I'm looking at, if that says 4/13/2015, then  
25 yes.



1 Q. So would you say that is the most detailed set of  
2 your duties and obligations in managing the food service  
3 department?

4 MR. PUSATERI: Object to form.

5 A. This is a guideline that we use for our food  
6 service department and also with the PBNDS.

7 Q. Are you required to comply with GEO's policies  
8 and procedures regarding the food service operations?

9 A. Yes.

10 Q. There's a description of the food service manager  
11 at the very beginning. Is that an accurate description  
12 of your job?

13 A. Yes.

14 Q. I'm going to invite you to keep this exhibit  
15 handy. If I ask questions in the future and you want to  
16 refer to it, we can just make note in the record that  
17 you'd like to refer to that. And if there's anything  
18 that you feel would be answered well by looking at the  
19 policy and procedure manual, I welcome you to do that.

20 A. Okay.

21 Q. So are you also required to comply with the Food  
22 Service Management Procedures I'll mark as Exhibit 28?

23 (Deposition Exhibit No. 28 was marked for  
24 identification.)

25 Q. (BY MS. BRENNEKE) And you can take a look at it.



1 A. (Witness reviewing document.)

2 Q. Can you please identify what Exhibit 28 is for  
3 the record?

4 A. This is the Corporate Policy and Procedure  
5 Manual, Chapter For Food Service, Food Service  
6 Management Procedure, and this is 8.1.1-A.

7 Q. Is this also some of the policies and procedures  
8 you're required to be in compliance with as food service  
9 manager?

10 A. Yes.

11 Q. So together these have all of the policies  
12 regarding food preparation, employee standards and  
13 cleaning and general management of -- management  
14 guidance about your workforce; is that right?

15 A. Yes.

16 Q. Are you also required to follow the policy and  
17 procedure regarding the voluntary work program?

18 A. Yes.

19 Q. Hang on a second. Okay. I'd like to refer you,  
20 please, to the prior exhibit marked No. 2.

21 Is Exhibit 2 the Policy and Procedure Manual for  
22 the Voluntary Work Program No. 5.1.2 effective  
23 4/13/2005?

24 A. If this is the one in front of me, yes.

25 Q. And in terms of the detainee workers that you





1 national standards to uphold; is that right?

2 A. That is correct.

3 Q. We're going to mark as Exhibit 29 this next  
4 document.

5 (Deposition Exhibit No. 29 was marked for  
6 identification.)

7 Q. (BY MS. BRENNEKE) Can you identify what  
8 Exhibit 29 is?

9 A. This is part of the PBNDS, 4.1 Food Service.

10 Q. And was this the PBNDS 2011 Revised 2016, is this  
11 the national standard that you're required to comply  
12 with with regard to food service?

13 A. Yes.

14 Q. Are you aware of there also being PBNDS standards  
15 for the voluntary work program?

16 A. Yes.

17 Q. And are you also required to comply with those  
18 for the detainee workers who are assigned to the  
19 kitchen?

20 A. For those that are assigned to the kitchen, yes.

21 Q. Will you please take a look at what's been  
22 previously marked as Exhibit 17.

23 A. (Witness reviewing document.)

24 Q. Is Exhibit 17 the Voluntary Work Program 5.8  
25 PBNDS, 2011 Revised 2016 Standards that you're required



1 wanted to focus on his legal issues.

2 Q. Do you have any belief or understanding as to  
3 whether or not the amount of pay they receive has  
4 something to do with it?

5 A. That has played a factor.

6 Q. And how much are the detainee workers paid for  
7 their work as of January of 2019?

8 A. They're paid a dollar a day. That's governed by  
9 ICE.

10 Q. That is also governed by GEO, correct?

11 A. Correct. But ICE is the one that sets the  
12 standards of how much the detainees are paid.

13 Q. So we will talk about that in more detail.

14 A. Okay.

15 Q. So but you believe that the dollar a day is not  
16 enough for some people for the work that they're doing?

17 A. I didn't say that. I said the detainees feel  
18 like that's not enough for them.

19 Q. And what about you as a manager of a food  
20 services operation, do you feel like the dollar a day is  
21 a fair wage for the detainees and the work they do?

22 MR. PUSATERI: Object to form.

23 A. That's not up to me to say.

24 Q. Because you're simply following the policy and  
25 procedure of GEO?



1 A. In that range, yes.

2 Q. And prior to September/October of 2018, did you  
3 have 10 to 12 night cleaning detail workers?

4 A. Yes.

5 Q. Can you please describe the breakfast shift?

6 When does it start and when does it end for the  
7 detainee workers?

8 A. It starts at 4:00 a.m., and they are out of there  
9 roughly by 8:30, nine o'clock in the morning.

10 Q. So they work four and a half to five hours?

11 A. Uh-huh.

12 Q. Is that right?

13 A. Yes, when -- or when it's completed.

14 Q. Or when it's completed?

15 A. When their job is completed.

16 Q. So sometimes they might work six, seven hours?

17 A. No, no. It's average they're out of there at  
18 9:30, and then our next shift comes on at 10:00.

19 Q. So the average is actually that they work 5.5  
20 hours for the breakfast shift?

21 A. I would say average four and a half hours.

22 Q. So 4:00 a.m. to 8:30?

23 A. 8:30, yeah, because they're out of there between  
24 8:30 and 9:00, yeah. If things run a little late, it  
25 might be closer to 9:30. But on average it's going to



1 be close to four and a half to five hours a shift.

2 Q. So if it's between 8:30 and 9:30, would you say  
3 the average is five hours?

4 A. Yes.

5 Q. And when is the detainee worker lunch shift, what  
6 time period?

7 A. They come on at 10:00 a.m.

8 Q. And how long do they work?

9 A. To about 3:00, 3:30.

10 Q. So they work for about five or five and a half  
11 hours --

12 A. Yes.

13 Q. -- on average. And then for the dinner shift,  
14 what are the times of the detainee worker shifts?

15 A. They come on at 4:00 p.m. and, again, they're  
16 wrapping up between 8:00 -- between 8:00 and 9:00.

17 Q. So, again, their number of hours is usually about  
18 five hours; is that correct?

19 A. Yes.

20 Q. What are the actual mealtimes at Northwest  
21 Detention Center?

22 A. We serve breakfast at 5:00, lunch at 11:00 and  
23 dinner at 5:00.

24 Q. What are the hours for the night cleaning detail?

25 A. 9:30 to 12:30.



1 Q. So they're working four hours, five hours as  
2 well -- sorry, I can't count right -- is that right?

3 A. Three hours.

4 Q. Three hours. I really can't count. I've got  
5 that five in my head. So maybe I need a break.

6 So the night cleaning detail, they're working

7 9:30 to 12:30 at night?

8 A. Yes.

9 Q. And for three hours?

10 A. Yes.

11 (Recess taken.)

12 Q. (BY MS. BRENNEKE) So the detainee workers who  
13 are assigned to the kitchen, are they working seven days  
14 a week?

15 A. They have the option to have up to two days off.

16 Q. So is the expectation of a schedule that they  
17 would work seven days a week unless they got permission  
18 for a day off or two days off?

19 MR. PUSATERI: Object to form.

20 A. Again, they -- it's -- they do have the option of  
21 having two days off, work five days a week, two days  
22 off, or six and one. It's up to them because it is a  
23 volunteer program.

24 Q. And do the changes to the seven day a week  
25 schedule have to be approved --



1 MR. PUSATERI: Object to form.

2 Q. (BY MS. BRENNEKE) -- by you or Alisha Singleton,  
3 classification?

4 A. Either myself or Alicia, yes.

5 Q. So the expectation is seven days a week unless  
6 you or Alicia approve a five day a week schedule or a  
7 six day a week schedule?

8 MR. PUSATERI: Object to form.

9 A. Again, it's a voluntary work program. Again,  
10 they can decide how many days that they do want to work,  
11 but they do have the option of working the seven or  
12 taking time off.

13 Q. But you as their boss need to approve their  
14 schedule; is that correct?

15 MR. PUSATERI: Object to form.

16 A. The schedule's already set for them. So, again,  
17 if they want days off, they can put in and ask for days  
18 off.

19 Q. And they would ask you for permission to have  
20 days off, correct?

21 A. Correct.

22 Q. So I just want to be clear because I'm not always  
23 clear whether it's your office or classification who has  
24 to do some of this.

25 So who is it that needs to approve a variance



1 correct?

2 A. No.

3 Q. And are there more meals perhaps in September  
4 because of holidays, like Ramadan or something like  
5 that? Do you know why there would be a spike in  
6 September?

7 A. I don't recall what was going on during that  
8 time. I don't know.

9 Q. The number of meals that are served, those are to  
10 detainees; is that right?

11 A. Yes.

12 Q. And are you also serving meals to GEO staff?

13 A. Yes.

14 Q. And those would be counted in the number of meals  
15 for food service; is that right?

16 A. There's a section for staff meals, so there's a  
17 separation of it.

18 Q. When you do the accounting?

19 A. Yes.

20 Q. Would you assume that this is a comprehensive  
21 number of meals accounting?

22 A. I can only assume that that's what that is.

23 Q. Where do the GEO staff eat their meals that are  
24 prepared?

25 A. There is a GEO break room for staff and some in



1 Q. Has there ever been a time when they were served  
2 family style like a big bowl and you can take as much as  
3 you want, or have there always been trays?

4 A. There's always been trays there.

5 Q. And are kitchen staff allocated more than one  
6 tray to eat?

7 MR. PUSATERI: Object to form.

8 A. Everyone gets three meals a day. The kitchen  
9 workers do get a little extra for working in the kitchen  
10 along with their dollar a day.

11 Q. So they could have two trays if they were hungry  
12 or three trays if they were hungry?

13 A. That's correct.

14 Q. Is there any cap to how many portions they can  
15 have during their shift?

16 A. Yes, there would be, because there wouldn't be a  
17 whole lot of food with that portion control that would  
18 be there. So, yeah, there's a certain limit that would  
19 have to go on there because it's not going to be like a  
20 whole lot of food left over.

21 Q. So have you imposed any rules, like they can have  
22 between one and three trays or one and five trays?

23 A. On average what we have left over, again, if  
24 there's -- I always stay firm, fair and consistent. If  
25 there's enough for each to get three patties, then they





1 AFTERNOON SESSION

2 1:36 p.m.

3 --oOo--

4  
5 CONTINUING EXAMINATION

6 BY MS. BRENNEKE:

7 Q. So welcome back. I notice that in the summaries  
8 of the meals they include religious and special dietary  
9 meals; is that correct?

10 A. That's correct.

11 Q. So you have requirements to prepare general meals  
12 and then also special ones that meet particular needs?

13 A. That is correct.

14 Q. Is there also a requirement to produce sack  
15 lunches?

16 A. Yes, there is.

17 Q. And what are the sack lunches used for today?

18 A. For JPAT, which are those that are going out and  
19 for anyone that's coming in. In-house wise, if a  
20 detainee is at an attorney visit or general visit and  
21 they miss that meal that comes into the dorm, because it  
22 only can stay in there for so long, and if we're done  
23 with meal service, then they would get a sack lunch.

24 Q. And are those kept in a certain location?

25 A. Yes, they are. They're refrigerated.



1 Q. In the kitchen?

2 A. Uh-huh.

3 Q. Is that a yes?

4 A. Yes, there is. Sorry.

5 Q. And how do you determine how many sack lunches to  
6 make?

7 A. That depends on if there's -- what the number of  
8 people coming in or going out. It all depends. So we  
9 try not to leave anything that's on hand after a day.  
10 So it just all depends.

11 Q. And those are cold meals, so they stay fresh?

12 A. Yes. And they're made daily.

13 Q. And are you asked by anyone how many to make, or  
14 do you just make 15 or 20 and see how it goes?

15 A. Again, if it's a day where there's some coming in  
16 and if they say there's 80 coming in, I will be notified  
17 that we have 80 coming in. So we would make sure we  
18 have 80 sacks on hand for those that are coming in so  
19 that we can feed them.

20 Q. And what do you do with the extra?

21 So let's say you make 80 and it turns out that  
22 they can actually go to a regular meal. Do they get the  
23 sack lunch anyway? Or do you sometimes have extra sack  
24 lunches?

25 MR. PUSATERI: Object to form.



1 A. If we know that 80's coming in, then we'll do the  
2 80. And if 60 comes instead of the 80, they're allowed  
3 only to stay for 24 hours, so they're gone the next day.

4 Q. Do you distribute them to others before they  
5 expire, or do you actually have to throw them away?

6 A. If they're not needed -- if they're needed, then  
7 we can serve them. But if they're not, we throw them  
8 away.

9 Q. Has it ever been a practice to distribute those  
10 extra meals before they expire to people -- to detainee  
11 workers or others who are doing work in the facility?

12 MR. PUSATERI: Object to form.

13 A. A sack lunch may be given to acknowledge their  
14 extra performance that they may have done, but they  
15 still get that dollar. So they're still getting paid.

16 Q. So if somebody does a little extra work or does  
17 an extra hard job, they might get the dollar plus a sack  
18 lunch?

19 MR. PUSATERI: Object to form.

20 A. For the acknowledgment, yes, if there's some  
21 available.

22 Q. And are those only if there's extra left over, or  
23 do you actually make sack lunches in order for them to  
24 be given as an extra acknowledgment?

25 A. Again, normally on a daily basis there are sack



1 (Deposition Exhibit No. 44 was marked for  
2 identification.)

3 Q. (BY MS. BRENNEKE) And will you please identify  
4 what this is?

5 A. This is an Internal and External Job Posting for  
6 the Food Service Supervisor.

7 Q. So this is, again, the person who's your  
8 assistant food service manager?

9 A. That is correct.

10 Q. So who's currently in that position?

11 A. Currently right now is Edwin Delacruz.

12 Q. And was he the one that was hired in 2015?

13 A. I'm not for sure if he was the one, but he is the  
14 latest.

15 Q. How long has he been there in that role?

16 A. I'd say close to three years.

17 Q. Is there also a job description for the cook  
18 supervisors?

19 A. Yes, they do have one.

20 (Deposition Exhibit No. 45 was marked for  
21 identification.)

22 Q. (BY MS. BRENNEKE) Is Exhibit 45 the on-the-job  
23 training for cook supervisors?

24 A. Yes, this is the OJT for the cook supervisors.

25 Q. And are the cook supervisors primarily



1 responsible for making the food and overseeing the work  
2 of the detainee workers in the food preparation and  
3 service on the line?

4 MR. PUSATERI: Object to form.

5 A. Generally, I am overall responsible for the whole  
6 food services department. Again, my cooks are there  
7 again to make sure they're supervising and making sure  
8 that the policies and procedures are being maintained at  
9 all times.

10 Q. So you rely on them to do the moment-by-moment  
11 supervision?

12 A. That is correct, yes.

13 Q. And so they also are involved with you in  
14 conducting detainee safety training?

15 A. That is correct, yes.

16 Q. And they're also involved with you in conducting,  
17 ensuring all of the standards of the kitchen are  
18 followed for the detainee workers who are there?

19 A. That is correct, yes.

20 Q. And are they required to ensure the detainee --  
21 strike that.

22 Do you provide detainee workers with particular  
23 uniforms or equipment for their work in the kitchen?

24 A. Yes, we do.

25 Q. And what are the uniforms that GEO provides for



1 the detainee workers at the NWDC?

2 A. The ones that work in the kitchen get a white  
3 uniform, and we provide the hair nets, the beard guards  
4 and we also provide the slip-resistant boots. And any  
5 protective equipment, goggles, gloves, we provide that.

6 Q. And do the cook supervisors along with you and  
7 the other staff in the kitchen, GEO staff in the  
8 kitchen, ensure that the detainees are actually wearing  
9 and utilizing the equipment that's required?

10 A. That is correct.

11 Q. Who is it that conducts the on-the-job training  
12 for the cook supervisor position?

13 A. For me it would be anyone coming on board now.  
14 Again, if I had a supervisor that -- my supervisor that  
15 was missing, I would train that person. As far as the  
16 cook supervisors, myself, the assistant manager and the  
17 other cook supervisors would do the OJT with that new  
18 person coming on board.

19 Q. Do you have food service workers who are separate  
20 from the cook supervisors?

21 A. What do you mean by food service workers?

22 (Deposition Exhibit No. 46 was marked for  
23 identification.)

24 Q. (BY MS. BRENNEKE) Is Exhibit 46 the on-the-job  
25 training for food service workers for GEO?



1 A. That is false.

2 Q. So there's a strict line between the food  
3 preparation and what the officers do in terms of  
4 security?

5 A. That is correct.

6 (Deposition Exhibit No. 49 was marked for  
7 identification.)

8 Q. (BY MS. BRENNEKE) Can you please take a look at  
9 Exhibit 49 and indicate if you recognize the photos in  
10 that packet?

11 A. Yes, I do.

12 Q. And what is it that is depicted in the photos in  
13 Exhibit 49?

14 A. What's happening right now, this is during a meal  
15 service where detainees are dishing up food and cook  
16 supervisor is right there supervising and making sure  
17 that they're getting the meal out.

18 Q. And so that's the first page of the exhibit, yes?

19 A. Yes, this is the first page that I see.

20 Q. And so the detainees are the individuals in the  
21 white uniforms, and those are consistent with the  
22 uniforms that are currently being used?

23 A. That is correct.

24 Q. And those are hair nets that are required to be  
25 worn?



1 A. That is correct.

2 Q. And there's one cook supervisor who's overseeing

3 all the hands-on work of the detainees?

4 A. That's in this photo, that's correct.

5 Q. Let's go then to photo number two.

6 A. (Witness complies.)

7 Q. You will -- oh, you know what, was it all the

8 same one? Is that's what's going on?

9 MR. PUSATERI: There looks like a little of both.

10 MS. BRENNEKE: Let's go off the record.

11 (Off the record.)

12 MR. PUSATERI: This is one packet of sequential

13 photos that's part of one exhibit, and they're all

14 different?

15 MS. BRENNEKE: Yes.

16 Q. (BY MS. BRENNEKE) What's the second page of the

17 photo?

18 A. The second page?

19 Q. I'm sorry, of the photo packet.

20 A. Again, detainees serving a meal.

21 Q. So is this the food line where they're dishing

22 things onto plates?

23 A. These are the two hot lines, and the serving line

24 is right down the middle. On the other side there's

25 cold lines and actually going down this way. It starts





1 from this end and goes down this way.

2 Q. So it starts from the end where the GEO guard is  
3 and goes toward the other side?

4 A. There's a detainee down on this end and he's  
5 sending those trays down, and she's standing in the  
6 middle watching them go through this way. There's  
7 another one on this side.

8 Q. So each of the detainee workers has a specific  
9 role and they do it for each of the plates or the trays  
10 that are being passed down the line?

11 A. That is correct.

12 Q. So can you give me some examples of what each of  
13 the detainees is doing in this food line?

14 A. I'm not sure what was on the menu that day, but  
15 we would generally have the meat entre on this end.  
16 Then it would be the starch, vegetables. So anything  
17 that's on this side is going to be hot. What's on the  
18 other side would typically be their salad, their bread,  
19 their margarine. If it was a dessert, it could be cake,  
20 jello, with the cold side would be on the other side.

21 Q. So every meal includes one of each of those  
22 things or a portion of each of those things?

23 A. Not every meal.

24 Q. Except for the special meals?

25 A. Well, dessert wise, desserts is like splitting



1 up. There's a dessert every day, but it may not be  
2 lunch, it might be at dinnertime.

3 Q. And what's the third page of that packet? What's  
4 depicted there?

5 A. This one is the opposite side of the serving  
6 line, where this part is the cold side, now the other  
7 side is still the hot side, and they're still sending  
8 trays down on the other end.

9 Q. So the cold side is on the bottom of the picture?

10 A. It's on -- yes.

11 Q. And they would be sending it from left to right?

12 A. However it's going down, so it's cake here, so  
13 that cake would go on the side that's closest to them on  
14 their tray.

15 Q. And then they pass it down?

16 A. Send it on down, correct.

17 Q. Can you look at the next page, please. What does  
18 this depict?

19 A. This depicts, again, different angle of the  
20 serving line where you'll still have your hot sides over  
21 here and at the very end down here would be the loading  
22 area where they will load the food onto the carts. And  
23 here, again, you have the supervisor that's here and you  
24 also have an officer that's over here who's probably  
25 answering the phone or something over there before that



1 cart would go out.

2 Q. And we can't see the carts in this picture; is  
3 that correct?

4 A. No. You can't see, no.

5 Q. What is this right here?

6 A. This is the hot serving line.

7 Q. So those look -- yeah. You can see the controls  
8 on the hot serving line?

9 A. Yes.

10 Q. What's the next picture?

11 A. So this picture back here is our prep area, and  
12 here we have two detainees and we also have a cook  
13 supervisor that looks like they are dishing up food out  
14 of the big kettles that has been prepared. So they're  
15 dishing it up.

16 Q. So this is another plating or service exercise?

17 A. Correct.

18 Q. Keep going. What's the next one?

19 A. And here we have supervisor standing here,  
20 detainees -- this is not on the serving line. I'm not  
21 sure where this is at.

22 Q. So with the exception of the last picture, do  
23 those all look like accurate depictions of the food  
24 production and plating process at the facility?

25 A. Yes, it is.



1 Q. And what we don't see here is the cooking part,  
2 correct?

3 A. That is correct.

4 Q. So do you have another part of the kitchen that's  
5 devoted towards cooking?

6 A. In that prep area in the back towards the last  
7 page back there.

8 Q. Second to last page?

9 A. Second to the last page, that is part of where  
10 some of that cooking is done with those big large  
11 kettles there.

12 Q. So for the hot food, they utilize those kettles?

13 A. That is correct. And there's also ovens in there  
14 and cook skillet.

15 Q. And is the dishwashing and other cleaning work  
16 equipment pictured in any of these?

17 A. No.

18 Q. And that's in a different section of the kitchen?

19 A. Correct.

20 Q. All right. Thank you.

21 MS. BRENNEKE: I think I would like to take like  
22 a five-minute break and get some water.

23 (Recess taken.)

24 Q. (BY MS. BRENNEKE) So I would like to move our  
25 focus to a little more about the current detainee worker



1 again, there's no one specific thing that they do in the  
2 kitchen. But if someone expresses an interest in baking  
3 and then we would put them over there on the baking and  
4 train them on doing a lot of the baking if that's what  
5 they like to do. Or if they like to have on hands in  
6 the cooking process.

7 So it's their way of saying I have interest in  
8 this particular thing, and so then that's what we focus  
9 on in learning and training and showing them what to do  
10 as far as the baking part aspect of it.

11 Q. And it would be the GEO staff who decides who  
12 gets to do what roles depending on your needs for the  
13 day?

14 A. Generally. But, again, we also have detainees  
15 that will express their interests also.

16 Q. Have you ever had detainees come in with a whole  
17 lot of prior work experience?

18 A. I haven't seen their background as far as what  
19 their work experience is. They express that they have  
20 interest in working in the kitchen, so I don't have a  
21 resume from them. So it's something that they're just  
22 expressing that they have interest in doing while  
23 they're there.

24 Q. So once they come into the kitchen, it would  
25 require communication with them between you and them or



1 one of the GEO staff members and them to figure out if  
2 they had a particular interest in an area in the  
3 kitchen?

4 A. Yes. It would be through communication via  
5 detainee stating that, you know, I may have used to bake  
6 and that's how that person might become the baker.

7 Q. And that's at the discretion of the GEO staff?

8 A. That is correct.

9 Q. How is it that detainees are assigned or hired  
10 into the kitchen to begin with? Is that anything you're  
11 involved in?

12 A. You're asking how are they assigned to the  
13 kitchen?

14 Q. Yes.

15 A. Well, it's a volunteer work program, so they  
16 would either contact me or Ms. Singleton, who does the  
17 worker program, via e-mail stating their expression to  
18 want to work in the kitchen. With that process, if I  
19 get it, I would forward it to Ms. Singleton. And from  
20 there, Ms. Singleton will handle getting their  
21 information down to medical to make sure that they're  
22 medically cleared to work in the kitchen.

23 Q. And before they come to work there has to be a  
24 medical clearance?

25 A. That is correct.



1 Q. And then who is it that determines which hours or  
2 shifts the detainee workers are working in the kitchen?

3 A. That's determined by myself, Ms. Singleton and  
4 the detainee.

5 Q. And so if somebody preferred a --

6 A. Morning shift.

7 Q. -- a morning shift, they could make that request  
8 but it would be your discretion?

9 A. That is correct.

10 Q. And then in terms of training, if you take a look  
11 at Exhibit 5, please, this has been previously marked,  
12 is this the Kitchen Worker Orientation Checklist or  
13 initial training that detainee workers get when they are  
14 assigned to the kitchen?

15 A. Yes, they do. This is it.

16 Q. This one says it's updated 1/13/2017. Can you  
17 look through that and make sure that looks complete and  
18 accurate to you?

19 A. This particular form, it was updated January 13,  
20 2017, but we do update these yearly.

21 Q. Is this generally consistent with the kind of  
22 training that detainee workers get on the kitchen  
23 expectations and requirements and standards and  
24 procedures that you're expecting them to follow?

25 A. Yes, it is.



1 Q. And has that been pretty consistent throughout  
2 your time at the Northwest Detention Center facility?

3 A. Yes, it has.

4 Q. And I think you said before that both the cook  
5 supervisors as well as the assistant manager and  
6 yourself all participate in training at various times?

7 A. That is correct.

8 Q. Is it required that the detainee workers go  
9 through training before they start working?

10 A. It is required that certain -- for instance, we  
11 will not hire a detainee and put them directly on the  
12 meat slicer without giving them training. So there's --  
13 yes, it's always an ongoing training process. But,  
14 again, certain pieces of equipment we're not going to  
15 just say go slice this meat.

16 Q. Okay. Well, I'm just imagining your workflow.  
17 Do you do new kitchen detainee worker training  
18 every day, every week? With what frequency do you do  
19 it?

20 A. On a weekly basis.

21 Q. And what day?

22 A. That varies.

23 Q. So you try to get all of your newbies in at one  
24 time so you can train them all together?

25 A. And it's going to be per shift. So if it's a





1 lunch shift and they're coming in, then we're going to  
2 dive right into that training packet.

3 Q. And how long does it generally take to train a  
4 new kitchen worker before they can start their work?

5 A. Again, it's an ongoing process. There's certain  
6 things that they can start learning as we teach them.  
7 Again, if it's a meat slicer, we're not going to put  
8 them on the meat slicer their very first day. So it's  
9 still -- it's an ongoing training process.

10 Q. So let's go through Exhibit 5 real quick. So the  
11 orientation checklist, are they required to be trained  
12 in all of those areas before they start working?

13 A. No. It's ongoing.

14 Q. So you create a file for them and then check off  
15 what's been done when? Is that what you do?

16 A. Yes.

17 Q. So the first initial hazardous communication  
18 safety training, is that something that needs to be done  
19 at the very beginning or can that be done a little  
20 later?

21 A. It's at the beginning to let them know that there  
22 are chemicals in our kitchen and there's PPEs that go  
23 along with that and --

24 MR. PUSATERI: Off the record.

25 (Off the record.)



1 Q. (BY MS. BRENNEKE) So the next page, the kitchen  
2 worker rules and regulations, is that required to be  
3 done before people start to work or is that ongoing as  
4 well?

5 A. It's ongoing.

6 Q. How about the sanitation practices?

7 A. Ongoing.

8 Q. Handwashing procedures?

9 A. Ongoing.

10 Q. Sanitary rules?

11 A. Ongoing.

12 Q. Equipment safety?

13 A. Ongoing.

14 Q. You said already hazardous chemical is ongoing,  
15 correct?

16 A. Yes.

17 Q. And the equipment training, I assume that they  
18 need to be trained on the equipment before they use it?

19 A. That is correct and still ongoing.

20 Q. Are they required to sign the detainee job  
21 descriptions before they start work?

22 A. Yes, they are.

23 Q. And are they required to sign the voluntary work  
24 program agreement before they start work?

25 A. Yes, they are.



1 Q. And are they required to sign the hygiene and  
2 grooming standards?

3 A. Yes, they are.

4 Q. And also the detainee rules and regulations  
5 training?

6 A. Yes.

7 Q. Who is it that is responsible for ensuring that  
8 attendance and work effort is being made?

9 In other words, if you had people on a shift and  
10 you were expecting them and they don't show up, who's  
11 responsibility is it for noting that and taking action  
12 with regard to that?

13 A. My cook officer. Whoever is actually working on  
14 the desk that particular day that's checking in the  
15 detainees, it would be notated on the work roster  
16 whether they came or not.

17 Q. And so that's one of the cook supervisors who has  
18 that role that day?

19 A. That's correct.

20 Q. So they're basically taking attendance?

21 A. Yes.

22 Q. And a detainee can lose their job if they don't  
23 show up for work, correct?

24 MR. PUSATERI: Object to form.

25 A. If a detainee is not there due to their illness,



1 as well, the disinfectant, or was that a new adjustment  
2 you made?

3 A. No, we were using that.

4 Q. Have there been any other complaints of fungus or  
5 problems within the --

6 A. No.

7 Q. And with regard to all of the cleaning, you were  
8 talking about chemicals and gloves, and I assume that  
9 GEO has those chemicals and equipment and gloves and  
10 protective gear all at the kitchen and provides those to  
11 the detainee workers who need to use them?

12 A. That is correct.

13 Q. So when detainee workers come to work, they just  
14 show up as themselves, they're not required to bring  
15 anything from their units?

16 A. They come as themselves with their ID cards and  
17 wristbands.

18 Q. So for the night cleaning detail, those detainees  
19 also have to be cleared for medical purposes to work in  
20 the kitchen; is that correct?

21 A. That is correct.

22 Q. And there's a particular roster that's posted  
23 about who's been cleared and who can be assigned to the  
24 cleanup duty?

25 A. We have a roster of workers that is actually



1 that detail expected to work all five days?

2 A. Yes. But if he put in a request to have a day  
3 off, then they're allowed to do that.

4 Q. So as of 2019, do any detainee workers work more  
5 than one shift or more than -- like in the kitchen?

6 MR. PUSATERI: Object to form.

7 A. They're only scheduled for one shift.

8 Q. As of January 2019, do any detainee workers work  
9 more than one job a day, like the kitchen and something  
10 else?

11 MR. PUSATERI: Object to form?

12 A. I can only speak about what the food -- the  
13 kitchen detail. I can't answer if some other department  
14 does, but all I know is my workers work one detail.

15 Q. In the past have you had workers who worked more  
16 than one shift or more than one work detail in the  
17 kitchen?

18 A. Yes, I did.

19 Q. And what periods of time did you have employees  
20 who were working more than one shift?

21 A. Employees or detainees?

22 Q. Sorry, yeah. So during what periods of time did  
23 you have detainee workers working more than one shift?

24 A. It's going to have to be during unusual  
25 circumstances, one being chickenpox, you got cohort with



1 that process. It's a 21-day process. So if a detainee  
2 is one of my kitchen workers and they're in that pod, so  
3 during that time you would go through periods of that  
4 during those times.

5 Q. Any other times?

6 A. Besides chickenpox, it's going to be the time  
7 that they had an overall worker stoppage.

8 Q. When was that?

9 A. I can't give you a specific date. I don't  
10 remember that.

11 Q. But it was while you were there after 2007  
12 sometime?

13 A. Oh, yeah.

14 Q. And how long was it that -- what time period was  
15 it or what's the length of the time that people could  
16 work more than one shift?

17 A. It wasn't for a long period of time. Once the  
18 situation got corrected, then they would gradually come  
19 back and volunteer to work.

20 Q. And then you went back to assigning just one  
21 shift per detainee?

22 A. That is correct.

23 Q. And so you would assign detainee workers to two  
24 shifts when the need was there to finish the prepping  
25 and cooking and cleaning and food preparation for the



1 center?

2 A. So, again, getting permission to do that, under  
3 the circumstances they were assigned two shifts, getting  
4 paid for each shift that they performed a dollar. And  
5 that was only for that specific special circumstances.

6 Q. Because more work was needed from fewer people in  
7 order to maintain the production of food?

8 A. Well, no, you had -- you had the chickenpox and  
9 you had people that were on the cohort status that  
10 couldn't be going out in population until they were  
11 cleared to go back out either work or whatever it may  
12 be.

13 Q. So you had a reduction in the number of detainee  
14 workers who were available?

15 A. That is correct.

16 Q. And so for those who were still available, some  
17 of them were given the opportunity to work two shifts  
18 and earn two dollars for the two shifts; is that  
19 correct? One dollar per each shift?

20 A. Per detail. So if they worked breakfast, that  
21 was one detail. With that permission, again, based on  
22 the need and them being cohorted, then they would be  
23 able to work another detail and get paid a dollar.

24 Q. So if they worked two shifts, they could work up  
25 to nine or ten hours in one day; is that correct?



1 dollar a day within the rules?

2 A. Again, it's all opinionated, thinking that we  
3 could get more. Back in this time, a lot of things were  
4 in play. One, we were still at a lower -- at this  
5 seven, this was 2011, so we were looking at the ratio of  
6 staff and detainee, the whole situation. So different  
7 years, different opinions on what was going on at that  
8 time.

9 Q. And so at that point you were particularly  
10 reliant upon the detainee workers to conduct the food  
11 service production because you had lower GEO staffing?

12 A. I wouldn't say that, because offhand right now I  
13 couldn't tell you as of June 14, 2011 what the  
14 population was at that time either. So I can't -- I  
15 would be speculating on that.

16 Q. I'm sorry. I was just trying to understand what  
17 you meant.

18 So throughout you've relied on the detainee  
19 workers to complete the work of food services, correct?

20 A. That's incorrect. I never said that I relied on  
21 them to complete the whole food service department, and  
22 if that's the case then we wouldn't have GEO staff in  
23 there. They're there to assist us.

24 Q. Right. And they're an essential component of the  
25 entire staffing plan?





1 A. They are. But they're there for assistance, not  
2 to complete the whole goals of food service department.

3 Q. Got ya. Okay.

4 And so what benefits would there be to  
5 compensating kitchen and laundry workers beyond a dollar  
6 a day?

7 A. Again, that would be for me to form my own  
8 opinion of the whole situation. Again, I wasn't on the  
9 decision making as far as what it was going to be for  
10 the workers pay. But, again, it would -- it would -- my  
11 opinions would be thrown out there, they would -- their  
12 performance would be, you know, different. Again, it's  
13 all going to be my opinion.

14 Q. So do you think that you would get more detainee  
15 workers to participate if they were paid more than a  
16 dollar a day for their work?

17 Would it be easier to maintain your needed  
18 staffing levels?

19 A. It would be easy for me to maintain my quota that  
20 I submitted. But, again, it's a volunteer work program,  
21 and it's one of those things that it's going to  
22 fluctuate. It's going to go up and down, and that's  
23 going to be based on the detainees.

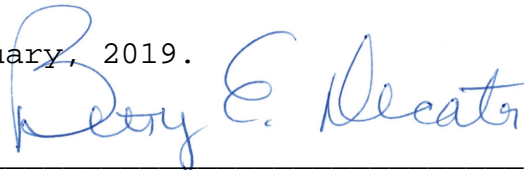
24 Q. What, if anything, happened after June 14, 2011,  
25 with regard to compensating kitchen and laundry workers



## REPORTER'S CERTIFICATE

I, BETSY E. DECATER, the undersigned Certified Court Reporter, pursuant to RCW 5.28.010 authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify that the sworn testimony and/or proceedings, a transcript of which is attached, was given before me at the time and place stated therein; that any and/or all witness(es) were duly sworn to testify to the truth; that the sworn testimony and/or proceedings were by me stenographically recorded and transcribed under my supervision, to the best of my ability; that the foregoing transcript contains a full, true, and accurate record of all the sworn testimony and/or proceedings given and occurring at the time and place stated in the transcript; that a review of which was waived; that I am in no way related to any party to the matter, nor to any counsel, nor do I have any financial interest in the event of the cause.

WITNESS MY HAND and DIGITAL SIGNATURE this 11th day of February, 2019.



BETSY E. DECATER, RPR  
Washington Certified Court Reporter, CCR 3109  
bdecater@yomreporting.com

